

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TAWHID I. SIDDIQUEE,

Plaintiff,

-against-

MASHHURA ALAMGIR ANKHI,

Defendant.

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10-CV-2691 (ARR)(LB)

NOT FOR PRINT OR
ELECTRONIC
PUBLICATION

OPINION AND ORDER

ROSS, United States District Judge:

Plaintiff Tawhid I. Siddiquee, residing in New York, brings this *pro se* action invoking the court's diversity jurisdiction against defendant Mashhura Alamgir Ankhi, a resident of Bangladesh. Plaintiff alleges that defendant misrepresented plaintiff as the father of defendant's child and that plaintiff provided financial support to defendant and her child "of more than three hundred thousand dollars (\$300,000) over the period of time in which the parties resided together." (Compl. at ¶ 2.) Plaintiff seeks \$2.5 million for emotional distress, mental anguish, and financial loss. (Compl. at ¶ 4.) Plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 is denied. The court directs plaintiff to submit the statutory filing fee of \$350.00 in order to proceed with this action.

In Forma Pauperis Application

Under 28 U.S.C. § 1914, the filing fee to commence a civil action is \$350.00. Under 28 U.S.C. § 1915, the court may waive the filing fee upon finding a plaintiff indigent. Cuoco v. U.S. Bureau of Prisons, 328 F. Supp. 2d 463, 4667 (S.D.N.Y. 2004); Hobbs v. County of

Westchester, No. 00-CV-8170, 2002 WL 868269, at *1 (S.D.N.Y. May 3, 2002). Whether plaintiff qualifies for *in forma pauperis* status is within the discretion of the district court. Choi v. Chem. Bank, 939 F. Supp. 304, 308-09 (S.D.N.Y. 1996).

Here, plaintiff's motion to proceed *in forma pauperis* discloses that he is currently employed and earns approximately \$4,000 per month. (Dkt. No. 2.) Nothing in plaintiff's financial declaration supports a finding that he is indigent. Thus, the court declines to grant plaintiff's request for *in forma pauperis* status.

Conclusion

The court directs plaintiff to pay the \$350.00 filing fee to the Clerk of Court of the Eastern District of New York within ten (10) days from the date of this order in order to proceed with this action. If plaintiff elects to pay the filing fee and proceed with this action, the Clerk of Court shall issue a summons for plaintiff to effect service of process on defendant upon payment of the filing fee. If plaintiff fails to submit the filing fee within the time allowed or show good cause for failure to file the fee, the action will be dismissed without prejudice.

SO ORDERED.

Allyne R. Ross
United States District Judge

Dated: June 22, 2010
Brooklyn, New York

SERVICE LIST:

Pro Se Plaintiff

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cc: Magistrate Judge Lois Bloom